

REMARKS

Claims 1-14 stand rejected in the Office Action mailed September 9, 2005. Applicant has cancelled Claims 16-22, 24-39, 41-48, 50-53, and 55-58 and has added new Claims 59-84. In addition, Applicant has amended Claims 1, 12-15, 23, 40, and 54. Upon entry of this amendment, Claims 1-15, 23, 40, 49, 54, and 59-84 remain pending.

Support for the amendments to Claims 1, 15, 23, 40, and 49 is found in the specification as originally filed, for example on page 17, paragraph 52. In addition, Claims 12-14 are amended for proper dependency from Claim 1. Support for the new claims is found in the application as originally filed, for example in the originally filed claims. Applicant respectfully requests entry of the amendments.

RESTRICTION REQUIREMENT

The Examiner has required restriction among six inventions. In response, Applicant confirms that he has elected Invention I, drawn to Claims 1-14, with traverse. Applicant respectfully traverses the restriction requirement because the inventions are related and to examine them all would not impose a serious burden on the Patent Office.

The six inventions are related in that they are all based on the use of a blend of fluoroplastics and an elastomer component to prepare processable rubber compositions and shaped articles made from the compositions by thermoplastic processing. Thus, the main claims of Inventions I-VI all recite a thermoplastic component containing a combination of fully fluorinated melt processable thermoplastic and partially fluorinated melt processable thermoplastic. The relatedness of the inventions is also seen in the classification indicated by the Examiner in the requirement for restriction. For example, Inventions I, III, IV, and VI are all

said to be classifiable in Class 525, Subclass 276. This is a further indication of the relatedness of the invention.

Further, to examine all of the claims in this application would not provide a serious burden. MPEP § 803 states that when search and examination of all of the claims in an examination can be made without serious burden, the claims must be examined on the merits, even though they include claims to independent or distinct inventions. Applicant respectfully submits that examination of all of the claims in the current claims can be made without serious burden. The inventions are related as noted above, and art relating to the patentability of each invention is likely to be found in similar places. In this regard, it is significant that many of the inventions noted above are classified together.

Applicant respectfully requests the requirement for restriction among Inventions I-VI be withdrawn, and all of the claims in the application be examined together.

ELECTION OF SPECIES

Election of species is required between the polyol curative agent of Claim 22 and the peroxide curative agent of Claim 33. Applicant provisionally elects the peroxide curative agent of Claim 33 with traverse. Claim 23 in the case reads on the elected species.

Applicant respectfully traverses the restriction requirement between the species because the species are related and to search and examine both species would not be a serious burden. Accordingly, Applicant respectfully requests the restriction requirement of species be withdrawn.

CANCELLATION OF CLAIMS 16-22, 24-39, 41-48, 50-53, AND 55-58

To manage the total number of claims, Applicant has cancelled the dependent claims of Inventions II-VI, while leaving in the independent claims, which are the subject of the traversal of the restriction requirement. Applicant reserves the right to offer dependent claims in future prosecution, should any of the independent claims of Invention II-VI be rejoined.

ART REJECTIONS

Claims 1-2, 10, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Rees reference (U.S. Pat. No. 5,006,594). Claims 3-9, 11, and 13-14 are rejected as obvious over the Rees reference. Applicant has amended Claim 1 (and also independent Claims 15, 23, 40, and 54) to recite that the fluorinated and partially fluorinated polymers of the thermoplastic component of the claims are melt processable. Accordingly, Applicant respectfully traverses the rejections as applied to the amended claims and requests reconsideration.

The Rees reference does not disclose or suggest the melt-processable partially and fully fluorinated thermoplastic polymers of the amended claims. As stated in the Office Action, the blends of the Rees reference contain 1 to 5% by weight of a non-melt processable tetrafluoroethylene copolymer. This was said to be readable on the fully fluorinated thermoplastic of the claims. Applicant has amended the claims to recite that the fully fluorinated thermoplastic is melt-processable. Support for the amended claims is found in the specification, for example at paragraph 52.

Amended Claims 1-2, 10, and 12 recite at least one limitation not disclosed in the reference. Applicant further respectfully submits the reference is insufficient to render Claims 3-9, 11, and 13-14 obvious, given that the reference does not disclose the melt-processable fully fluorinated thermoplastic of the amended claims.

For the reasons discussed above, Applicant respectfully requests the art rejections of Claims 1-14 be withdrawn.

CLAIMS 15, 23, 40, 49, AND 54

Applicant has amended withdrawn Claims 15, 23, 40, and 54 to address the art cited against Claims 1-14 (elected Invention I). If the restriction requirement is withdrawn and the amendments are entered, Applicant respectfully submits that Claims 15, 23, 40, 49, and 54 are patentable over the Rees reference. Amended Claims 15, 23, 40, and 54 recite a melt-processable fluoroplastic, and distinguish for the reasons discussed above with respect to Invention I. Claim 49 distinguishes over the reference without amendment because of the limitation that the fully fluorinated thermoplastic is present at 10 – 90% by weight of the thermoplastic; the reference teaches the use of fully fluorinated copolymer as a filler at levels of only 1-5% by weight.

NEW CLAIMS 59-84

To further define the invention, Applicant has added new Claims 59-84. Claims 59 and 60 depend from elected Claim 1, and add a “10 μ m” limitation, such as originally offered in Claim 15 (non-elected Invention II).

Claims 61-64 depend from Claim 1 and recite dynamic vulcanization methods for making the processable rubber compositions of Claim 1. The methods are similar to those of non-elected Invention III, but incorporate the limitations of Invention I.

Similarly, Claims 64-72 recite shaped articles made by thermoplastically processing the processable rubber composition of Claim 1 (Invention I). The articles are similar to those of non-elected Invention IV, but incorporate the limitations of Invention I.

Claims 73-77 depend from Claim 1 and recite a process of manufacturing a shaped plastic article. The methods are similar to those of non-elected Invention VI, but incorporate the limitations of Invention I.

Finally, Claims 78-84 are new and recite processable rubber compositions similar in scope to that of Claim 1 (elected Invention I).

Claims 59-84 are patentable over the art for the same reasons as Claims 1-14 discussed above. That is, they distinguish over the Rees reference at least because they recite the melt-processable limitation. Accordingly, Applicant respectfully requests the new claims be passed to a state of allowability.

CONCLUSION

For the reasons discussed above, Applicant believes that Claims 1-15, 23, 40, 49, 54, and 59-84 are in a state of allowability and respectfully requests an early Notice of Allowance. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues or expediting prosecution of this application.

Respectfully submitted,

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